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APPLICATION NO.	· FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/771,289	02/05/2004	Cyril Mezicre	07552.0022	2868	
22852 FINNEGAN, H	7590 06/18/200 IENDERSON, FARAF	7 BOW, GARRETT & DUNNER	EXAM	INER	
LLP			DEAK, LESLIE R		
	RK AVENUE, NW N, DC 20001-4413		ART UNIT	PAPER NUMBER	
	,		3761		
			MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extractions of time may be available under the provisions of 37 CPR 1.13(a). In no event, however, may a reply be timely filled to 1 lik to pend for reply is specified above, the maintain statutory period will apply and will expire SIX (8) MONTHS from the milling date of this communication.  Fallus to reply within the act or calended period for reply in by statute, usue the application to become ABANDOBE (35 U.S. C. § 133). Any reply received by the Office later than three months after the maining date of this communication, even if timely floor, may reduce any seamed plates them adjustment. Set 37 CPR 1.704(9).  Status  1) Responsive to communication(s) filled on 05 February 2004.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-36 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are esubject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is obj				2
Examiner   Lealie R. Deak   3761		Application No.	Applicant(s)	
Leslie R. Deak  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of mining be available under the provides of 3° CFR 1.136(a). In or event, however, may a reply be timely filed  If NO period for reply is specified above, the maximum satutory period will apply and will expire SIX (§) MONTHS from the mailing date of this communication.  Fallus to proly within the set or extended period for reply will by status, cause the application to become ABANDOBE (35 U.S. C.§ 135). Any reply received by the Office later than the monitors after the mailing date of this communication, even if timely fised, may reduce any senter pariod to a set of the five monitors of the communication of the communication is communication. Fallus to provide the set of the communication is communication.  1) Responsive to communication(s) filed on 05 February 2004.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-36 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are allowed.  8) Application Papers  9) The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119		10/771,289	MEZIERE ET AL.	
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Attachment(s)	application from the International Bure	eau (PCT Rule 17.2(a)).		
	* See the attached detailed Office action for a li	ist of the certified copies no	ot received.	
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)	Attachment(s)  1) Notice of References Cited (PTO-892)	4) 🔲 Interviev	Summary (PTO-413)	

U.S. Patent and Trademark Office PTOL-326 (Rev. 08-06)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date \_\_\_\_\_.

Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

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## **DETAILED ACTION**

## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-30, drawn to a support device for liquid containers in an extracorporeal blood treatment machine comprising a base body and a support element, classified in class 604, subclass 4.01.
- II. Claims 31-36, drawn to a support device for liquid containers in an extracorporeal blood treatment machine comprising a base body, a support element, means for supporting a container, and means for weighing the container classified in class 604, subclass 4.01.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions in Group I and Group II are directed to related inventions. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed have a materially different design and function in that one machine has a means for weighing, and the other does not, resulting in a materially different design. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.
- 3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required

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because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie R. Deak whose telephone number is 571-272-4943. The examiner can normally be reached on M-F 7:30-5:00, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner
Art Unit 3761

13 June 2007